

H. Peter Evans, OSB 012532
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

ERICA M. WELCH,

Plaintiff,

v.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,

Defendant.

Case No. 3:20-cv-00489-CL

**ORDER FOR FEES UNDER 42 U.S.C. §
406(b)**

Plaintiff brought this action seeking review of the Commissioner of the Social Security Administration's final decision to deny Plaintiff's application Disability Insurance Benefits under Title II of the Social Security Act. The Court remanded the case for further administrative proceedings. ECF Dkt. 17. On remand, Plaintiff receive a Fully Favorable decision, awarding her Disability Insurance Benefits.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. The Court finds the requested fees are reasonable.

Plaintiff's 406(b) motion [ECF Dkt. 21] is granted, and Plaintiff's counsel is awarded \$32,779.75 in attorney fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff \$5,465.28 in fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412.

When issuing the Section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA and send Plaintiff's attorney, H. Peter Evans, the balance of \$27,314.47, less any applicable processing fee prescribed by law. The Section 406(b) check should be mailed to H. Peter Evans at the attorney's preferred mailing address of 222 NE Park Plaza Drive, Suite 113, Vancouver, WA 98684.

IT IS SO ORDERED.

DATED this 2 day of February 2023.



Honorable Mark D. Clarke
United States Magistrate Judge

Proposed Order Submitted on January 30, 2023.

/s/ H. Peter Evans
H. Peter Evans, OSB 012532
Attorney for Plaintiff